

REMARKS

The applicant will submit a certified copy of the priority document shortly.

Claim 16 is rejected under 35 U.S.C. 112, 1st paragraph as failing to comply with the written description requirement. The Examiner states that the keel is adapted to be inflated, but fails to disclose how the keel is adapted. Claim 16 is now amended to claim that the keel is inflatable. Claim 16 is supported in paragraph [0019].

Claims 1-10, 13-15, 23 and 24 are rejected under 35 USC 102(b) as being anticipated by Madison. Claims 1-3, 5, 12, 15 and 17 are rejected under 35 USC 102(b) as being anticipated by Glass. Claim 11 is rejected under 35 USC 103(a) as being unpatentable over Madison in view of Denker. Claims 18-19 are rejected under 35 USC 103 (a) as being unpatentable over Madison in view of Denker. Claims 20 and 21 are rejected under 35 USC as being unpatentable over Madison in view of Denker as applied to claim 19 and further in view of Honatzis.

The claims have now been amended to refer to an amphibious vehicle. An amphibious vehicle as disclosed in the specification is a vehicle that is adapted for both land and water, Paragraphs [0004] and [0029].

Clearly, in Madison and Glass there is no reference whatsoever to the possibility of the canoe or boat being amphibious and the canoe described in Madison is basically a standard canoe. The canoe and boat in Madison and Glass are not adapted for both land and water.

With regard to Denker, the object of the prior art invention is to provide a mounting bracket for mounting a wide range of accessories to a standard, known canoe (column 1, lines 44 to 67). The wheels which are described in Denker and shown in Figure 4 are merely one example of an accessory which may be attached to the canoe. These wheels are used merely to transport the canoe over rough ground, i.e. "portaging wheels" (column 5, lines 35 to 37 and abstract) and there is clearly no suggestion whatsoever that the canoe could be "operated" by a passenger across rough ground on the wheels. Portaging wheels by definition allow the canoe to be carried overland between two waterways by exterior forces. Adding portaging wheels does not turn the canoe into an amphibious vehicle, which by definition is operable by its own power

overland. Indeed, Denker describes the possibility of transporting the canoe in an upside-down attitude (column 5, lines 53 to 54) and the fact that only one pair of wheels is provided or described is a clear indication that there is no possibility of the canoe of Denker acting as an amphibious vehicle.

“Amphibious vehicles” is a known term of art in which one skilled in the art knows that an amphibious vehicle is capable of operating in both the water and land (see Appendix A) from Random House Dictionary. An amphibious vehicle is not defined by one skilled in the art as a boat or canoe having wheels mounted therein for pulling across land. For example, a boat being towed on a trailer behind an automobile or truck does not make the boat an amphibious vehicle.

Further, Webster’s Third New International Dictionary defines *amphibious* as, *inter alia, belonging to, adapted for...both land and water.*

The Shorter Oxford English Dictionary defines *amphibious* as, *inter alia, suited for both land and water.* Clearly, none of these definitions applies to Denker where it would be clearly understood by one skilled in the art that the purpose of the wheel accessory was simply to facilitate the transport of the canoe from one stretch of water to another.

A person skilled in the art looking for a solution to the problem of preventing damage to an amphibious vehicle during the transition from water to land would clearly not consider Madison or Denker since neither relates to nor discloses nor describes an amphibious vehicle. Therefore claim 1 and the associated dependent claims are believed allowable.

New claims 25-27 have been added to further include the feature that the amphibious vehicle is operable as a boat on water and operable as a road vehicle on land. These claims add the feature of an amphibious vehicle known by those skilled in the art to the body of the claims. Claims 25-27 are believed to be allowable.

It is submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Consideration of the application as amended is requested. It is submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's Amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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